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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,506 12/12/2006		Stephane Doat	0508-1169	8379
466 YOUNG & TH	7590 02/23/201 OMPSON	EXAMINER		
209 Madison St	treet	PADEN, CAROLYN A		
Suite 500 Alexandria, VA	22314	ART UNIT	PAPER NUMBER	
			1781	
			NOTIFICATION DATE	DELIVERY MODE
			02/23/2011	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/589,506	DOAT ET AL.		
Examiner	Art Unit		
Carolyn A. Paden	1781		

The MALLING DATE of this communication appears on the cover sheat with the correspondence address THE REPLY FILED 11 Fabusary 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  I. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely life one of the following replies: (1) an amendment, affidavit, or other evidence, which places the prior continue of the prior continue of the prior to continue of the prior of the continue of the prior to continue of the prior of the continue of the prior of the following time periods:  a) The period for reply expires on :(1) the mailing date of this Advisory Action or (2) the date set forth in the final rejection.  Examiner Notes: It box 1 is checked check either box (a) or (b). ONLY CHECK BOX (0) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLECTION. See When PC 706 ar(7).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension few that the prior of the date for purposes of determining the period of deteration prior and the corresponding amount of the few. The appropriate extension few to the prior of the date of purposes of determining the period of deteration prior and the corresponding amount of the few flat appropriate extension few to the prior of the date of prior of the date of the prior of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37) and the prior of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37), to avoid dismissal of the appeal. Since a Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal (37 CFR 41.37		Carolyn A. Paden	1781	
<ul> <li>1.</li></ul>	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication.  ☐ The period for reply expires 2 months from the mailing date of the final rejection.  ☐ The period for reply expires on: (1) the mailing date of the final rejection.  ☐ Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM REJECTION. See MFEP 708.07(f).  ☐ Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened standardy period for reply originally set in the final Office action. (2) as many reduce any examed patient term adjustment. See 37 CFR 1.73(b).  ☐ TO SEC OF APPEAL.  ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of Notice of Appeal was been filed, any reply must be filed within the time period as forth in a special con, even if a final rejection, but prior to the date of filing a brief, will not be entered because (a)	THE REPLY FILED 14 February 2011 FAILS TO PLACE THIS	APPLICATION IN CONDITION FO	R ALLOWANCE.	
a) The period for reply expires of, further multing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection, or (2) the date set forth in the final rejection. whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box is is checked, check either box (3) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILLED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a) that does not not have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee makes been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent treat adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	<ol> <li>The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C</li> </ol>	the same day as filing a Notice of A eplies: (1) an amendment, affidavit al (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any repty received by the Office later than three months after the mailing date of the liniar legiction, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on	a) The period for reply expires <u>4</u> months from the mailing date b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire at Examiner Note: If box 1 is checked, check either box (a) or (left).	dvisory Action, or (2) the date set forth in ter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	n.
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They rare not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☑ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: ☐ (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☑ Applicant's reply has overcome the following rejection(s): 35 USC 112 would have been overcome.  6. ☐ Newly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: none.  Claim(s) objected to none.  Claim(s) objected to none.  Claim(s) objected to none consideration: ☐ .  AFFIDAVIT OR OTHER EVIDENCE  8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be e	have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount of the corresponding a	of the fee. The appropria nally set in the final Offic	ate extension fee e action; or (2) as
(a)	filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	s of the date of appeal. Since a
(d)	The proposed amendment(s) filed after a final rejection, be (a) They raise new issues that would require further cor (b) They raise the issue of new matter (see NOTE below (c) They are not deemed to place the application in bett	isideration and/or search (see NOT v);	E below);	
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	12. Note the attached Information Disclosure Statement(s). (			
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Continuation of 13. Other: Claim 50 proposes to cancel the last step but "and optionally" remains in the claim.